

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

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SPORTSMEN'S ALLIANCE FOUNDATION;
VERMONT BEARHOUND ASSOCIATION;
VERMONT FEDERATION OF SPORTSMEN'S
CLUBS; and VERMONT TRADITIONS
COALITION,

Plaintiffs,

v.

U.S. FISH AND WILDLIFE SERVICE; MARTHA
WILLIAMS, in her official capacity as Director of
the U.S. Fish and Wildlife Service,

Defendants,

Case No. 2:22-cv-00175-cr

**STIPULATION FOR FILING ADMINISTRATIVE RECORD AND PROPOSED
BRIEFING SCHEDULE**

The parties stipulate to and propose to the Court the following schedule:¹

1. This case is brought pursuant to the Administrative Procedure Act, 5 U.S.C. §§ 553, 701-706. The parties agree that Early Neutral Evaluation would be futile in this case because the issues presented are legal, the case is not easily amenable to compromise, and Plaintiffs are challenging an agency action that does not involve monetary damages. Therefore, good cause for excusal from the Early Neutral Evaluation program is present pursuant to Local Rule 16.1(b)(1).

¹ The parties have not filed a Stipulated Discovery Schedule/Order as required by Local Rule 26(a)(4) because the discovery deadlines listed in the Court's form Stipulated Discovery Schedule/Order are not applicable to the Court's review of an agency action on the basis of an administrative record. *See* Fed. R. Civ. P. 26(a)(1)(B)(i).

2. Plaintiffs allege that Defendants have issued a decision that, among other things, closes the Silvio Conte National Wildlife Refuge to the use of dogs in training for hunting pursuant to Vermont law in June and July of each year. *See* 10 V.S.A. § 5001(a) (establishing state law dog training season). Plaintiffs are challenging that aspect of Defendants' decision. As a result, the parties have negotiated a proposed briefing schedule that calls for the completion of summary judgment briefing on May 22, 2023, potentially allowing for a ruling by the Court during June, 2023, if the Court is so inclined.

3. Defendants will lodge an electronic copy of the Administrative Record and a hyperlinked administrative index on a flash drive with the Court on or before **February 10, 2023**. Defendants will also send Plaintiffs a flash drive with the Administrative Record and index that same day.

4. The parties agree to meet and confer no later than **February 17, 2023**, regarding the content of the Administrative Record and whether there is a need to supplement or complete the Record.

5. Absent disputes or motions practice concerning the content of the Administrative Record, the parties will file dispositive motions according to the following schedule:

- a. Plaintiffs' motion for summary judgment is due by **March 10, 2023**.
- b. Defendants' combined opposition and cross-motion for summary judgment is due by **April 7, 2023**.
- c. Plaintiffs' combined opposition and reply is due by **May 8, 2023**.
- d. Defendants' reply is due by **May 22, 2023**.

Dated: December 16, 2022

Respectfully submitted,

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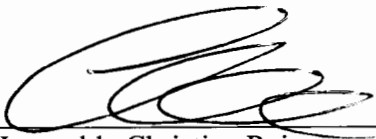
/s/ Kaitlyn Poirier

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Attorneys for Defendants

APPROVED and SO ORDERED:

Date: 12/16/22



Honorable Christina Reiss
United States District Judge